Table of Contents
IAB # SH2345764/FO2383503

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 08/17/2015	Bureau/Station/Facility: Temple Station	Admin. Invest.? ☐	Hit? ☑

Incident Information

URN: 013-11076-0533-013	Date: 11/15/2013 Time: 1841
City or Station: Temple Station	Nature of Incident: Deputies were at the location regarding a [redacted] call when the suspect was actively assaulting (stabbing) the victim. During the assault, a Deputy involved shooting occurred, suspect deceased.
Location: [redacted]	

Location Type (*check one or more*):
☐ Backyard
☐ Beach
☐ Business
☐ Freeway
☐ Industrial
☐ Park
☐ Parking Lot
☑ Residence
☐ Rural
☐ School
☐ Street
Other:

Lighting (*check only one*):
☑ Darkness
☐ Daylight
☐ Other
☐ Street Lights

Weather (*circle only one*):
☐ Clear
☑ Cloudy
☐ Fog
☐ Rain

Distance:

Incident Type (*check one or more*):
☐ Accidental
☑ Armed Person
☐ Fleeing Suspect
☐ Foot Pursuit
☐ Gun Take Away
☐ Moving Vehicle
☐ Sniper/Ambush
☐ Startle
☐ Struggle Involved
☐ Traffic Stop
☐ Unarmed Person
☐ Unintentional
☐ Vehicle Pursuit
☐ Warrant Service
☐ Warning Shot
Other:

Initiated by (*check only one*):
☐ Arrest Warrant
☑ Call
☐ Observation
☐ One Person Unit
☐ Other
☐ Search Warrant
☐ Two Person Unit

Prior Activity (*check only one*):
☐ Detective
☐ Inmate Transport
☐ Other
☑ Routine Patrol

Aero Unit? ☐ Canine Unit? ☐

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
1	0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*check only one*)	ShiftType (*check only one*)
[redacted]	Esqueda	Daniel		☐ EM ☑ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty
[redacted]	[redacted]	[redacted]		☐ EM ☑ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty
[redacted]	Song	Jeremy	D	☐ EM ☑ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]		[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]		[redacted]

Supervisors

Employee #	Last Name	First Name	M.I.	(*check one or more*)
[redacted]	Harris	Thomas	D	☑ On Duty ☑ Present during shooting ☑ Witness to shooting ☐ Involved in shooting
[redacted]	Devane	Ann	T	☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Liu	Alan	Y

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Somoano	Ignacio	

PSTD Use Only

SH # 2345764

Officer Involved Shooting

RN: 013-11076-0533-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
11/15/13	2025	08/17/2015	

Employee #	Last Name	First Name	M.I.
[redacted]	Wessol	David	P
[redacted]	Allen	Victor	M
[redacted]	Valencia	Dominic	J

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S1	E1	OE	ZZ				NN	
E1	S1	FH	SW	9	Y	Y	DH	CH

Officer Involved Shooting
Involved Employee Information

URN: 013-11076-0533-013

Involved Employee

E 1

Employee # [redacted]	Last Name: Gutierrez	First Name: Ricky	M.I.: J
Sex: M Race: W	Rank: Deputy Sheriff	Unit Assignment: Temple Station	Work Assignment (Unit #, Module, etc.): 53A
ShiftTime (*circle only one*): ☐ EM ☑ PM ☐ Day	ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used: N/A
Hospital Admission? ☐	Hospital Name: N/A	Coroner Case? ☐	Coroner Case # / Interviewed? ☑
Hrs of sleep prior to shooting: 7-8 hours	Duty Time (hrs): [redacted]	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 5'8" Weight: 200			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Smith & Wesson Caliber: 9mm # Shots: 1	Weapons Fired Brand: Caliber: # Shots:		
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand: Caliber: # Shots:	Weapons Fired Brand: Caliber: # Shots:		
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E __

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand: Caliber: # Shots:	Weapons Fired Brand: Caliber: # Shots:		
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 013-11076-0533-013

Suspect Information

S 1

Last Name: Aguilar		First Name: Paul	M.I.
AKA Last Name		First Name	M.I.
Sex: M Race: H	Street Address: [redacted]	City [redacted]	State & Zip Code: [redacted] [redacted]
Work Phone: N/A	Home Phone: N/A	Social Security #:	Driver's License #: [redacted]
Age: 21 D.O.B. 10/05/1992	Height: 6'1" Weight: 210	FBI # [redacted]	CII # [redacted]
Booking # 3611937	Primary Charge: Deceased	Secondary Charge:	
Coroner Case? ☑	Coroner Case # 2013-07899	Intoxication/Drug Usage? ☑	Substance Used: Alcohol
Armed? ☑	Apprehended? ☐	Mental Illness [redacted]	Criminal History? [redacted]
Vehicle Make		Model:	Year:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
Louie	Michael	W	8838 Las Tunas Drive	91780	626-285-7171	
Khounthavong	Billy	S	8838 Las Tunas Drive	91780	626-285-7171	

Los Angeles County Sheriff's Department
Supervisor's Report on Use of Force

Incident Information

URN: 013-11076-0533-013	Date: 11/15/13	Time: 1841	
Location: [redacted]	City or Station: [redacted]		
Bureau/Station/Facility: Temple Station	Admin. Investigation: ○ YES ◉ NO		
Type of Force: Taser			
Incident Category: ○ 1 ○ 2 ◉ 3	Deputy Injury: ○ YES ◉ NO	Suspect Injury ◉ YES ○ NO	
☒ Call ☐ Observation ☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit		
IAB Notified: ◉ YES ○ NO	Person Notified: Lieutenant Valencia	Emp: [redacted]	IAB Roll Out ◉ YES ○ NO

Involved Employee

E 1

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	Middle I. [redacted]	Rank Deputy		
Sex: ◉ M ○ F	Race: H	Height: 5'6"	Weight: 186	Age: [redacted]	Shift: ○ EM ○ Day ◉ PM	◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: Temple Station	Work Assignment (Unit #, Module, etc.): 54					
Individual Force Used: Taser X-26	○ Directed ○ Rescue ○ Medical Assist	Individual Category ○ 1 ○ 2 ◉ 3				
☐ Injured ☐ Treated ☐ Admitted Facility:	Coroner Case #					

E_

Employee #	Last Name	First Name	Middle I.	Rank		
Sex: ○ M ○ F	Race:	Height:	Weight:	Age:	Shift: ○ EM ○ Day ○ PM	○ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment:	Work Assignment (Unit #, Module, etc.):					
Individual Force Used:	○ Directed ○ Rescue ○ Medical Assist	Individual Category ○ 1 ○ 2 ○ 3				
☐ Injured ☐ Treated ☐ Admitted Facility:	Coroner Case #					

E_

Employee #	Last Name Carr	First Name	Middle I.	Rank		
Sex: ○ M ○ F	Race:	Height:	Weight:	Age:	Shift: ○ EM ○ Day ○ PM	○ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment:	Work Assignment (Unit #, Module, etc.):					
Individual Force Used:	○ Directed ○ Rescue ○ Medical Assist	Individual Category ○ 1 ○ 2 ○ 3				
☐ Injured ☐ Treated ☐ Admitted Facility:	Coroner Case #					

On Duty Supervisor ☐ Additional Involved Employees

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Harris	Thomas		SGT	YES ◉ NO ○	YES ◉ NO ○

Supervisor Completing Investigation

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Knight (IAB)	Todd	M.	SGT	YES ○ NO ◉	YES ○ NO ◉

Watch Commander / Supervising Lieutenant

Emp. #	Last Name	First Name	Middle I.	Rank
[redacted]	Somoano	Ignacio		LT

Watch Commander / Supervising Lieutenant's **Signature:**   Date   Copy Provided to Employee by: Emp #:

Donnie L Mauldin

Unit Commander **(Print Name)**   Unit Commander's **Signature**:   Emp #: [redacted]   Date

DISCOVERY Use Only
FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 01/13)

Supervisor's Report on Use of Force
SUSPECT INFORMATION

013 - 11076 - 0533 - 013

Suspect Information

S 1

Last Name	First Name	Middle Name	Armed? Select
Aguilar	Paul		Other

AKA Last Name: | First Name: | Middle Name:

Sex	Race	Age	Height	Weight	D.O.B	Phone #1: ○ H ○ W ○ C	Phone #2: ○ H ○ W ○ C
◉ Male ○ Female	H	21	6'01"	210	10/05/92		

Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Booking #: | Primary Charge Code: | Secondary Charge Code: | [redacted] Criminal History

Treated on Scene? ○ YES ○ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: 13-07899 Mental History ☐ User's guide provides direction on this entry

By: ______ Address: ______ Phone #: ______

Under Influence: ◉ YES ○ NO Substance: Alcohol [redacted]

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ○ Male ○ Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ○ H ○ W ○ C | Phone #2: ○ H ○ W ○ C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ○ YES ○ NO By: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐ User's guide provides direction on this entry

By: ______ Address: ______ Phone #: ______

Under Influence: ○ YES ○ NO Substance: ______ 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ○ Male ○ Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ○ H ○ W ○ C | Phone #2: ○ H ○ W ○ C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ○ YES ○ NO By: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐ User's guide provides direction on this entry

By: ______ Address: ______ Phone #: ______

Under Influence: ○ YES ○ NO Substance: ______ 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

013 - 11076 - 0533 - 013

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Gutierrez	Ricky	J.

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Temple Station	53A	◯ EM ◯ Day ◉ PM	◉ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name
[redacted]	Esqueda	Daniel	NMN

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Temple Station	54	◯ EM ◯ Day ◉ PM	◉ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name
[redacted]	Song	Jeremiah	D.

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Temple Station	53	◯ EM ◯ Day ◉ PM	◉ Regular ◯ OT ◯ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	23	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	28	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

☐ **Additional Witness**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION - Continuation

013 - 11076 - 0533 - 013

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Khounthavong	Billy	S.

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Temple Station	55T1	○ EM ○ Day ◉ PM	◉ Regular ○ OT ○ Off Duty

Emp. #	Last Name	First Name	Middle Name
[redacted]	Louie	Michael	W.

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Temple Station	53T1	○ EM ○ Day ◉ PM	◉ Regular ○ OT ○ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
		○ EM ○ Day ○ PM	○ Regular ○ OT ○ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Supervisor's Report on Use of Force

0 1 3 - 1 1 0 7 6 - 0 5 3 3 - 0 1 3

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Aguilar	S	[redacted]	E-1	OE	NN	NN
[redacted]	E-1	Aguilar	S	TR	NN	CH

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT: **DEPUTY INVOLVED HIT-SHOOTING**

IAB FILE NUMBERS: **SH2345764**
FO2383503

URN#: **013-11076-0533-013**

DATE/TIME: **November 15, 2013, Friday, 1841 hours**

LOCATION: [redacted] **Rosemead CA. 91770.**

OPENING STATEMENT

On Friday, November 15, 2013, Internal Affairs Bureau investigators Sergeants David Wessel, Victor Allen, and Lieutenant Dominic Valencia, responded to [redacted] Rosemead in regard to a Deputy Involved Hit-Shooting. Internal Affairs Bureau investigators, the District Attorney's Office, and the Office of Independent Review were given a briefing by Homicide Bureau.

SYNOPSIS

On Friday November 15, 2013, Temple Sheriff's Station Deputies Ricky Gutierrez, [redacted] Daniel Esqueda, Michael Louie, Jerimiah Song, Billy Khounthavong, and Sergeant Thomas Harris, responded to family disturbance call at [redacted] in the city of Rosemead. The call stated the informant's (Witness [redacted] (Suspect Paul Aguilar) was drunk and fighting with family members.

Deputies Khounthavong and Louie were the first to arrive to the call. Several of the family members who lived at [redacted] were standing outside upon their arrival. The family members pointed out Suspect Aguilar as the disturbing party. Deputies Khounthavong and Louie contacted Suspect Aguilar, searched and detained him. They placed Suspect Aguilar in the back seat of a patrol car un-handcuffed. Deputy Khounthavong conducted a background check of Suspect Aguilar and determined he had no wants or warrants, and he was not on parole or probation.

The handling unit, Deputy Gutierrez, arrived on scene and contacted Suspect Aguilar. During this detention, Suspect Aguilar displayed signs and symptoms of being under the influence of alcohol. It was determined that Suspect Aguilar did not commit a crime and he did not meet the criteria for a drunk in public arrest. Deputy Gutierrez and Sergeant

Harris spoke with the family members. The family members requested Suspect Aguilar be released from the deputies, so he could go inside the house and sleep.

Suspect Aguilar was released to the family members and he walked back into his residence. Within minutes of the deputies leaving the location, Suspect Aguilar began breaking a television inside the garage. Witness [redacted] called Temple Station and advised the dispatcher that [redacted] Suspect Aguilar, had become violent and was breaking items. A second call was dispatched to [redacted]

Sergeant Harris requested responding units over [redacted] to meet him on [redacted] of the location, to discuss tactics and force options, prior to responding to the house. Deputies Khounthavong, Song, Esqueda, [redacted] and Gutierrez, all met [redacted] for the briefing. Due to Suspect Aguilar's behavior on the previous call for service, Sergeant Harris felt Suspect Aguilar was going to be uncooperative. Sergeant Harris assigned less lethal and lethal assignments to the deputies. Deputy Song and [redacted] were assigned a Taser, Deputy Esqueda was assigned lethal force, and Deputy Gutierrez was assigned to mediate and speak to Suspect Aguilar. While Sergeant Harris was assigning personnel specific tactical duties, Deputy Louie advised over the radio that he was traveling Southbound on [redacted] approaching the residence.

Sergeant Harris stopped the briefing and responded to the location with the additional units, since Deputy Louie was by himself at the residence. Upon arriving at the location, most of the family members who were at the original call had left the residence. Waiting outside of the house, was Witness [redacted] and Witness [redacted] They advised deputies that Suspect Aguilar was inside the house breaking a television. Sergeant Harris and Deputy Gutierrez spoke to Witness [redacted] and Witness [redacted] to determine if a crime had occurred and the status of Suspect Aguilar.

Deputy Gutierrez spoke to Witness [redacted] and he asked her what action she wanted taken regarding Suspect Aguilar. Witness [redacted] deferred to Witness [redacted] and requested he make the decision for the outcome of Suspect Aguilar [redacted] Deputy Gutierrez then contacted Witness [redacted] Witness [redacted] told Deputy Gutierrez that [redacted] Suspect Aguilar was passed out in his room. Deputy Gutierrez gathered intelligence and was in the process of determining if they had a crime to arrest Suspect Aguilar. During this time Witness [redacted] left the front of the residence. She walked down the driveway to go check on her dogs and get a sweatshirt.

As Witness [redacted] walked toward the garage, Suspect Aguilar who was hiding in the shadows, approached her. Suspect Aguilar asked Witness [redacted] why she put her hands on him. Witness [redacted] responded to prevent him from hitting [redacted] Suspect Aguilar said, "Watch" and he took a serrated kitchen knife, and cut Witness [redacted] across the throat. Witness [redacted] yelled to get the deputies attention. She said, "Hey. He slit my throat. He's stabbing me." The deputies heard Witness [redacted] yelling and they responded down the driveway where they heard her request

for help. The driveway was very dark and there were not any lights. The deputies said they saw two shadows in the darkness, where they first heard the victim call for help.

Deputies Song, Esqueda, Gutierrez and [redacted], were the first deputies to respond to Witness [redacted]. Deputy Song illuminated the area with his flashlight. They observed Suspect Aguilar holding onto Witness [redacted] with his left hand, as he was stabbing her in the back of the neck area with a knife in his right hand. Witness [redacted] was able to break free of Suspect Aguilar's grasp and separated herself from him. Deputy [redacted] seeing the separation, raised his Taser at Suspect Aguilar and deployed the Taser. Deputy Gutierrez simultaneously fired one round from his duty weapon at Suspect Aguilar.

Their force had the desired effect and Suspect Aguilar fell to the ground and dropped the knife. Deputy Esqueda immediately requested the patch and advised that a shooting occurred. He stated deputy personnel were accounted for and no one was injured. Deputy Esqueda requested medical personnel for Suspect Aguilar. Sergeant Harris requested additional medical personnel, because Witness [redacted] was injured. Deputy Gutierrez continued to detain Suspect Aguilar at gunpoint until the Fire Department arrived. The area was contained, and the crime scene was secured.

Paramedics from Squad 4, under the command of Captain Chatfield, from Los Angeles County Fire Department, responded to treat Suspect Aguilar. Paramedic Wagner pronounced Suspect Aguilar deceased at 1850 hours.

> **IAB Note:** The Coroner Autopsy Report documented the cause of death. Suspect Aguilar died as a result of a gunshot wound to the chest. One Taser dart was recovered from Suspect Aguilar's T-shirt. There was no evidence that the Taser dart made any contact with the skin, **Exhibit A, pages 75-84**.

The Deputy-Involved Hit-Shooting incident was investigated and documented by Homicide detectives. Internal Affairs Bureau received the completed Homicide Investigation Book, on April 16, 2014. The Homicide Investigation Book is included with this investigation as **Exhibit A**.

> **IAB Note:** On October 6, 2014, the Sheriff's Department received the Letter of Opinion from the District Attorney's Office. The District Attorney concluded that Deputy Gutierrez acted in lawful defense of another. For further, see the letter of opinion included with this case in **Exhibit B.**

INVOLVED PERSONNEL

Gutierrez, **Ricky**, Deputy, [redacted]
Assigned to East Patrol Division, Temple Station

Working Unit 53A, City of Rosemead
Date of Employment: June 26, 2001
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

[redacted], Deputy, [redacted]
Assigned to East Patrol Division, Temple Station
Working Unit 54, Unincorporated County area of South San Gabriel
Date of Employment: May 31, 2007
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

SUSPECT

Aguilar, Paul MH/21, DOB: 10/05/92, Deceased
[redacted]

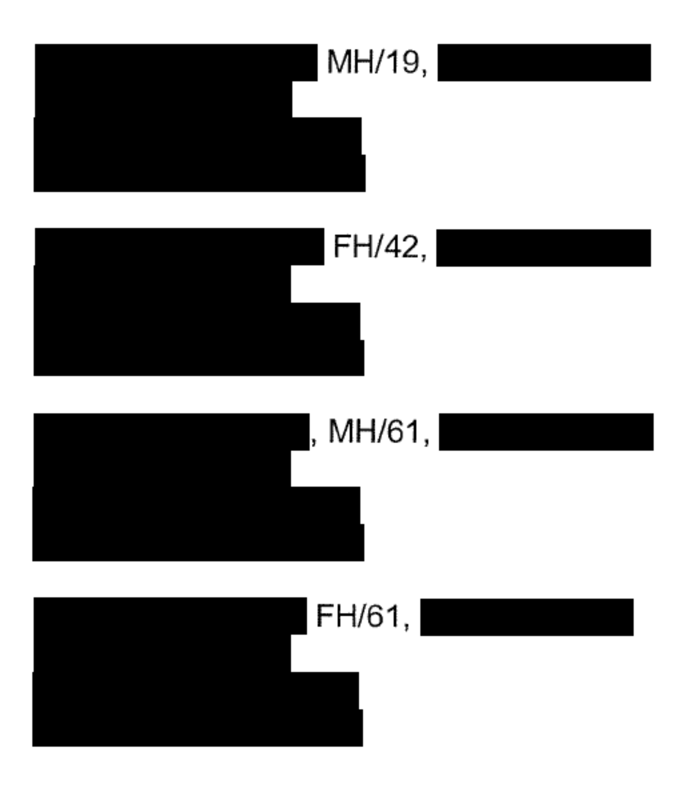
The Consolidated Criminal History System revealed Suspect Aguilar had [redacted] suspect Deceased. For Suspect Aguilar's complete Consolidated Criminal History see **Exhibit A, pages 63-69.**

CIVILIAN WITNESSES

The residential area near the shooting scene, [redacted] was canvassed for any potential witnesses. Several witnesses were identified as seeing the altercation between Suspect Aguilar and his family members prior to the shooting. Several Witnesses heard the victim yelling for help, orders from the deputies, and a gun shot being fired. Only one witness, [redacted] witnessed the shooting. For additional information regarding the [redacted] family witness interviews, see **Exhibit A, pages 18-19.**

[redacted] FH/28, [redacted]

[redacted] MH/23, [redacted]


[redacted] MH/19, [redacted]

[redacted] FH/42, [redacted]

[redacted], MH/61, [redacted]

[redacted] FH/61, [redacted]

SUSPECT INJURIES

Suspect Aguilar sustained one gunshot wound to his chest. For a complete description of the Coroners findings, see the Los Angeles County Corner Autopsy Report that is included with this investigation in **Exhibit A, pages 75-97.** The Coroner's photographs are included in **Exhibit F.**

DEPUTY(S) INJURIES

None

WITNESS(S) INJURIES

Witness [redacted] sustained one laceration to her throat approximately 7 inches in length, and four lacerations on the back of the neck area, approximately two to four inches in length. Witness [redacted] was treated for her injuries at USC Medical Hospital by Doctor Arash Kahanteb, A supplemental report listing Witness [redacted] injuries and her treatment, is included in **Exhibit A, page 17.**

PHYSICAL EVIDENCE

Deputy Gutierrez' one 9MM Luger expended bullet casing, one Taser X-26, and one knife, silver in color with black handle , were all recovered from the shooting scene. One Taser dart was recovered from Suspect Aguilar's black tee-shirt.

> **IAB Note:** For a complete list and diagram of the physical evidence recovered at the crime scene, see Sheriff's Crime Lab Supplemental Report which is included in **Exhibit A, pages 50-62.**

INVESTIGATOR'S OBSERVATIONS

This investigator did not observe the crime scene and was assigned this case in December of 2014, after Sergeants David Wessol and Victor Allen left Internal Affairs Bureau. Lieutenant Dominic Valencia was notified regarding the Deputy involved Hit-Shooting, by Temple Station Watch Commander Lieutenant Somoano at 1915 hours.

> **IAB Note:** IAB Lieutenant Dominic Valencia checked to see that the Watch Commander, Lieutenant Ignacio Somoano [redacted] took reasonable steps to ensure the involved deputy did not discuss the incident with uninvolved persons prior to being interviewed by the assigned investigators. In addition, IAB Lieutenant Dominic Valencia checked to see if the Watch Commander attempted to have the involved deputy gather in the company of a supervisor until he provided a statement to the assigned investigators.

The criminal investigation was handled by Homicide Bureau Detectives Raymond Lugo and Sergeant Joseph Ramirez. They documented their actions and findings on Supplemental Reports in **Exhibit A, pages 27-44.** The crime scene investigation was handled by Homicide Detectives Richard Tomlin and Luis Nunez. They entered the crime scene with Sheriff's Crime Lab Personnel. They documented their actions and findings on Supplemental Reports in **Exhibit A, pages 45-49.**

> **IAB Note:** Crime scene photographs are included in this case book as **Exhibit E.** Sheriff's Crime Lab drew sketches and collected the evidence from the crime scene. The Sheriff's Crime Lab investigators documented their collection in Supplemental Reports in **Exhibit A, pages 50-61.**

WEAPON(S) USED BY DEPUTY PERSONNEL

Deputy Name: Gutierrez, Ricky
Service Weapon Type: Smith & Wesson 9mm, S/N[redacted]
Rounds Fired: One
Type of Ammunition Used: Department Issued Luger (Win) 9mm
Date Employee Last Qualified: [redacted]

WEAPON(S) USED BY SUSPECT

Knife with a black handle and a 4" silver color blade.

FORCE USED BY DEPUTY PERSONNEL

Deputy Name: [redacted]
Taser X26: S/N [redacted]
One activation, duration 5 seconds
Category 3 Use of Force.

> **IAB Note:** The Taser Deputy [redacted] deployed was downloaded and documented by Homicide Bureau in **Exhibit A, page 59**. The recorded data revealed the Taser was activated on 11/15/13, for a duration of 5 seconds at 1914 hours. The time of the shooting and Taser activation was 1941 hours. Deputy Randy Dickerson [redacted] of the Training Bureau Tactics and Survival Unit, stated when the Tasers are not calibrated or downloaded properly, the system settings can change, losing seconds, minutes, hours and days, because the Taser was not properly calibrated.

REVIEW OF RADIO TRAFFIC

The first voiced radio transmission at 1809 hours, was from the SCC Dispatcher announcing the call, Tag #210, a [redacted] Family, possible [redacted] at [redacted] in Rosemead. Sergeant Harris and responding units, meet [redacted] of the location, prior to responding to the call. At 1821 hours, Unit 53 advised he was [redacted] detaining two. At 1831 hours, a second call was dispatched, Tag #217. The Dispatcher announced, [redacted] Family call at [redacted], suspect named in the call acting violent family waiting outside, related to tag #210. At 1836 hours, Unit 54 advised when he went [redacted] on [redacted]. At 1841 Deputy Esqueda stated over the radio, "[redacted] Give me the [redacted], Give me the [redacted]! [redacted] on [redacted] one suspect down, let me get [redacted] all deputies accounted for."

> **IAB Note:** [redacted]

Following is an abbreviated timeline and summary of radio transmissions from LASD Temple Station Dispatch [redacted], on November 15, 2013:

1809 hours: SCC Dispatcher announced a call for service [redacted], at [redacted] in Rosemead, [redacted] and fighting with family, Tag #210

1812 hours: SCC Dispatcher updated the call and stated a female was heard

screaming and yelling over an open line, 55T1, Deputy Khounthavong, advised [redacted] on [redacted], waiting for additional units

1813 hours: 50S, Sergeant Harris, advised [redacted] on [redacted]

1814 hours: 54, Deputies Esqueda and [redacted], advised [redacted] on [redacted]

1821 hours: 53, Deputy Song, advised [redacted] on [redacted] detaining two

1831 hours: SCC Dispatcher announced second call for service on [redacted] Male Hispanic 21, is acting violent, throwing items alone in the house Tag # 217

1836 hours: 54, Deputies Esqueda and [redacted], advised [redacted] on [redacted]

1841 hours: 54, Deputy Esqueda, advised "[redacted] give me the [redacted]", [redacted] on [redacted] north of [redacted], one suspect down, requested [redacted] and stated all deputies were accounted for. 50S, Sergeant Harris, requested [redacted] times two, female with her throat slit. Additional units and Air 21, heard acting up on radio responding to location. [redacted] given clearance to roll in at 1843.

1844 hours: Units blocked intersections to containing the crime scene and provide traffic control.

1847 hours: Units arrived on scene and a tactical frequency was requested

1848 hours: Units advised to meet at Command Post [redacted] Air 21 [redacted] assist with crowd control, crime scene containment

1850 hours: Units switch over to [redacted]

Following is an abbreviated timeline and summary of radio transmissions from LASD Temple Station [redacted], on November 15, 2013:

1811 hours: Units coordinate a prestaging area, prior to rolling in, 50S, Sergeant Harris, advised he was responding to the pre-coordinated staging area, one of the deputies discussed having a Taser

1814 hours: Unit advised 50S, Sergeant Harris, and 54 Deputies Esqueda and [redacted] respond to the location. One additional unit was responding from secondary location

1832 hours: 50S, Sergeant Harris, had unit 53A, Deputy Gutierrez, meet him at a pre-coordinate location, Sergeant Harris advised additional units that responded to the previous call to meet him at [redacted]

1833 hours: 53A, Deputy Gutierrez, had units meet with 50S, Sergeant Harris, at pre-coordinated location

1847 hours: 50D, Law Enforcement Technician Jones, asked 50S, Sergeant Harris, what the cross street was on [redacted]

The radio transmissions after 1847 hours, are of various LASD units coordinating efforts to contain the area and secure the crime scene. Additional units are heard attempting to contact each other for various reasons unrelated to this case. The [redacted] traffic is 1 hour and 20 minutes in length. There are various LASD

units coordinating efforts with the Command Post regarding logistics related to the crime scene and efforts made to coordinate reliefs.

> **IAB Note:** A CD containing radio traffic on Temple Station Dispatch [redacted], [redacted], and [redacted], traffic are on a CD, and attached with this case, as **Exhibit D.**

WEATHER AND LIGHTING CONDITIONS

Dark, evening hours, no daylight.

INVOLVED EMPLOYEE STAMENT

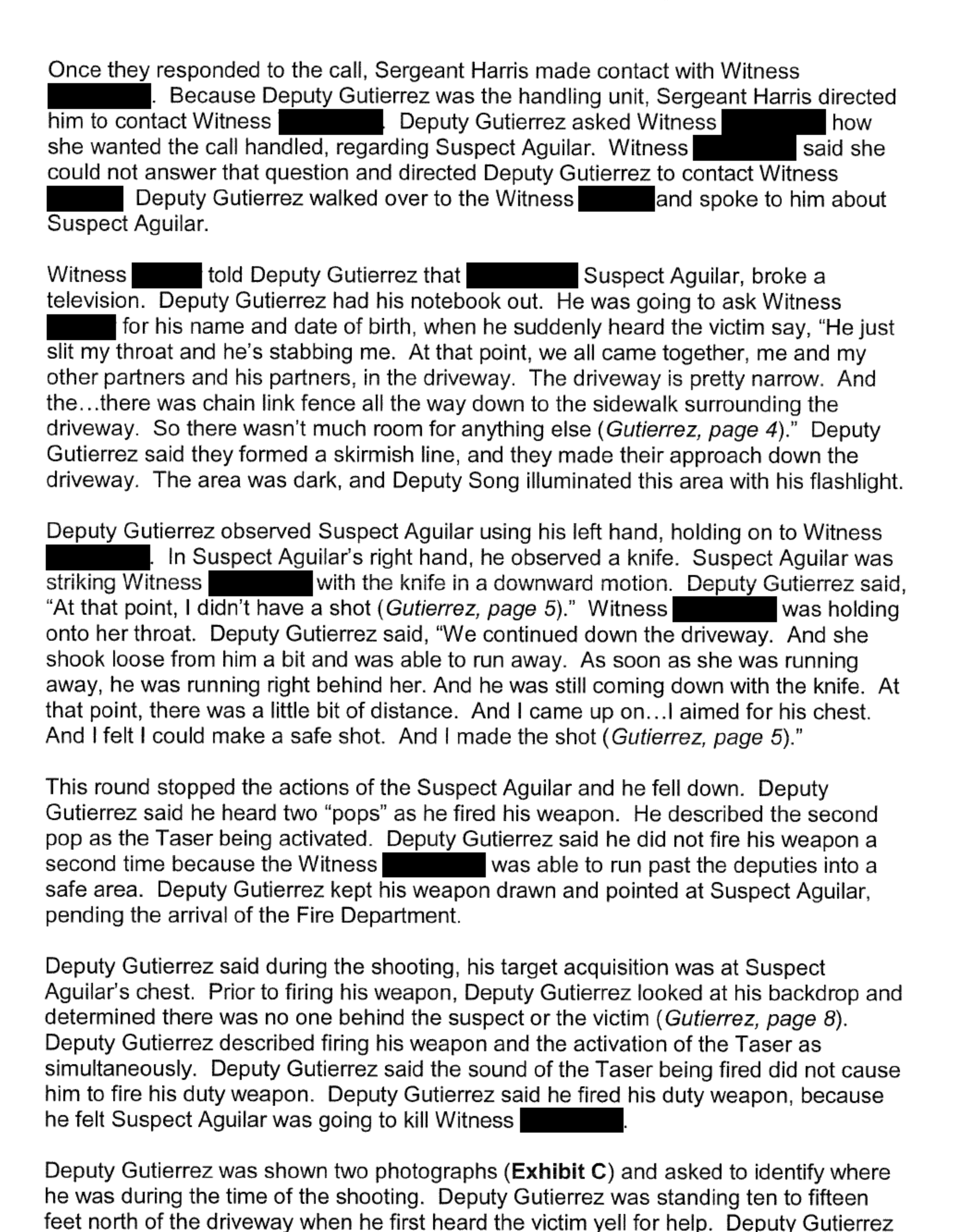
Deputy Ricky Gutierrez was interviewed on June 29, 2015, at 1529 hours by Sergeants Todd Knight and Patrick Mannion of Internal Affairs Bureau. The interview was conducted at Internal Affairs Bureau. Deputy Gutierrez was represented by Audra Call, Attorney from the Law Office of Green & Shinee. The interview was digitally recorded and transcribed. The following is a summary of the incident from Deputy Gutierrez' Internal Affairs interview.

On November 15, 2013, Deputy Gutierrez was assigned to Temple Station, and was working Unit 53A, a one person, PM shift patrol unit, in the city of Rosemead. He received a family disturbance call at [redacted] in the city of Rosemead. Deputy Gutierrez said he was delayed responding to the call, he was assigned as the handling unit. When he arrived at the location, Suspect Paul Aguilar was detained in the rear seat of a patrol vehicle. As Deputy Gutierrez spoke to Suspect Aguilar, he determined Suspect Aguilar was "a little intoxicated (*Gutierrez, page 4*)."

Several of the deputies assisted Deputy Gutierrez by speaking with the family members and checking the criminal history of Suspect Aguilar. He said, "They already ran him. They already talked to his family. So the family stated that they didn't want to do anything with it (*Gutierrez, page 4*)."

Deputy Gutierrez said they released Suspect Aguilar back to his family. Deputy Gutierrez said Suspect Aguilar was uncooperative while exiting the vehicle, not wanting to get out. After Suspect Aguilar exited the radio car and walked back over toward his family members, Deputy Gutierrez then left the location. Deputy Gutierrez said once he arrived at the next call for service, he received a second call for service at [redacted].

Sergeant Harris, [redacted], advised units meet to him on [redacted] so they could formulate a plan. Deputy Gutierrez described the tactical plan. He said, "Two Taser's and one lethal. And he told me I was going to be the ...the mediator and try to speak with the ...the suspect (*Gutierrez, page 4*)."



Once they responded to the call, Sergeant Harris made contact with Witness [redacted]. Because Deputy Gutierrez was the handling unit, Sergeant Harris directed him to contact Witness [redacted]. Deputy Gutierrez asked Witness [redacted] how she wanted the call handled, regarding Suspect Aguilar. Witness [redacted] said she could not answer that question and directed Deputy Gutierrez to contact Witness [redacted] Deputy Gutierrez walked over to the Witness [redacted] and spoke to him about Suspect Aguilar.

Witness [redacted] told Deputy Gutierrez that [redacted] Suspect Aguilar, broke a television. Deputy Gutierrez had his notebook out. He was going to ask Witness [redacted] for his name and date of birth, when he suddenly heard the victim say, "He just slit my throat and he's stabbing me. At that point, we all came together, me and my other partners and his partners, in the driveway. The driveway is pretty narrow. And the…there was chain link fence all the way down to the sidewalk surrounding the driveway. So there wasn't much room for anything else (*Gutierrez, page 4*)." Deputy Gutierrez said they formed a skirmish line, and they made their approach down the driveway. The area was dark, and Deputy Song illuminated this area with his flashlight.

Deputy Gutierrez observed Suspect Aguilar using his left hand, holding on to Witness [redacted]. In Suspect Aguilar's right hand, he observed a knife. Suspect Aguilar was striking Witness [redacted] with the knife in a downward motion. Deputy Gutierrez said, "At that point, I didn't have a shot (*Gutierrez, page 5*)." Witness [redacted] was holding onto her throat. Deputy Gutierrez said, "We continued down the driveway. And she shook loose from him a bit and was able to run away. As soon as she was running away, he was running right behind her. And he was still coming down with the knife. At that point, there was a little bit of distance. And I came up on…I aimed for his chest. And I felt I could make a safe shot. And I made the shot (*Gutierrez, page 5*)."

This round stopped the actions of the Suspect Aguilar and he fell down. Deputy Gutierrez said he heard two "pops" as he fired his weapon. He described the second pop as the Taser being activated. Deputy Gutierrez said he did not fire his weapon a second time because the Witness [redacted] was able to run past the deputies into a safe area. Deputy Gutierrez kept his weapon drawn and pointed at Suspect Aguilar, pending the arrival of the Fire Department.

Deputy Gutierrez said during the shooting, his target acquisition was at Suspect Aguilar's chest. Prior to firing his weapon, Deputy Gutierrez looked at his backdrop and determined there was no one behind the suspect or the victim (*Gutierrez, page 8*). Deputy Gutierrez described firing his weapon and the activation of the Taser as simultaneously. Deputy Gutierrez said the sound of the Taser being fired did not cause him to fire his duty weapon. Deputy Gutierrez said he fired his duty weapon, because he felt Suspect Aguilar was going to kill Witness [redacted].

Deputy Gutierrez was shown two photographs (**Exhibit C**) and asked to identify where he was during the time of the shooting. Deputy Gutierrez was standing ten to fifteen feet north of the driveway when he first heard the victim yell for help. Deputy Gutierrez

was within 10 feet of the suspect when he fired his weapon. He did not recall any communication amongst the responding deputies and he never heard any commands given to Suspect Aguilar. Deputy Gutierrez said, "It was a very uniformed response. It's like it was all telepathic (*Gutierrez, page 9*)." Deputy Gutierrez estimated the time from when he first heard Witness [redacted] say her throat was cut, and when he fired his weapon at Suspect Aguilar, was no more than twenty to thirty seconds.

For Deputy Gutierrez' complete statements see his transcribed interviews that are included with this investigation.

> **IAB Note:** Homicide investigators summary of Deputy Gutierrez' interview is included in the Homicide Investigation Book, **Exhibit A, pages 62-65**.

Deputy [redacted] was interviewed on June 29, 2015, at 1502 hours by Sergeants Todd Knight and Patrick Mannion of Internal Affairs Bureau. The interview was conducted at Internal Affairs Bureau. Deputy [redacted] was represented by Audra Call, Attorney from the Law Office of Green & Shinee. The interview was digitally recorded and transcribed. The following is a summary of the incident from Deputy [redacted] Internal Affairs interview.

On November 15, 2013, Deputy [redacted] was assigned to Temple Station, and was working Unit 54, with [redacted] Deputy Daniel Esqueda. They were assigned to a PM shift patrol unit, in the Unincorporated County area of South San Gabriel. [redacted]
He and his partner, responded to a family disturbance call at [redacted] in the city of Rosemead. Upon their arrival, Deputy [redacted] observed Suspect Aguilar being detained in the rear seat of a patrol vehicle. He spoke to family members who stated Suspect Aguilar was intoxicated and they were having family issues. Deputy [redacted] said the family wanted Suspect Aguilar to go home and fall asleep, until he sobered up. The family members did not want Suspect Aguilar arrested. Suspect Aguilar was released to the family members. Suspect Aguilar walked back into his house and Deputy [redacted] and his partner left the location.

Approximately 20 minutes later, Deputy [redacted] and his partner received a second call for service at [redacted] The call stated Suspect Aguilar had broken a television. They drove to [redacted] to meet up with the other units before they responded a second time. Deputy [redacted] said he stayed in the vehicle while his partner discussed the plan with the sergeant. During this time, Sergeant Harris prepared the video camera. As Deputy [redacted] and his partner responded to the call, they discussed the tactical plan. Deputy [redacted] was designated to use the Taser.

Upon their arrival Deputy [redacted] observed Deputy Louie speaking to Witness [redacted] They gathered up with the additional deputies during this time. Deputy Esqueda handed Deputy [redacted] his Taser. Deputy [redacted] heard a female scream, he slit my throat, and he's stabbing me in the back. Deputy [redacted]

[redacted] and the additional deputies, ran in the direction of where they heard the screaming. As he was running down the driveway, he observed Witness [redacted] and Suspect Aguilar running toward them. Suspect Aguilar was holding onto Witness [redacted] stabbing her in the back of the neck. Deputy [redacted] said the knife was in Suspect Aguilar's right hand. He described the knife as a small, serrated, steak knife ([redacted], *page, 4*).

Deputy [redacted] said, "And right when I saw that he was stabbing, I'm like, oh, he's going to…he's going to kill her. So I immediately had the Taser in my hand and I fired the Taser ([redacted], *page, 4*)." As Deputy [redacted] fired the Taser, he heard a loud pop. He looked to his right and observed Deputy Gutierrez standing there with his service weapon drawn. Deputy [redacted] described his view of the suspect when he fired the Taser at Suspect Aguilar. Deputy [redacted] said, "He was actively stabbing her. And then…and I was able to see part of his right torso exposed, as she was trying to break free from him. And that's when I .. I fired the Taser ([redacted] *page 7*)." Deputy [redacted] intention was to stop Suspect Aguilar from stabbing Witness [redacted].

Once Deputy [redacted] and Deputy Gutierrez fired their weapons at Suspect Aguilar, simultaneously Witness [redacted] ran past the deputies, down the driveway toward the street. Deputy [redacted] said he was standing approximately ten feet from Suspect Aguilar when he fired the Taser. He aimed center mass and deployed the Taser at Suspect Aguilar. Deputy [redacted] said Suspect Aguilar did not react the same way as someone who was Tased, his body never stiffened up. Deputy [redacted] said the gunshot stopped Suspect Aguilar. Deputy [redacted] said he activated the Taser "For a cycle ([redacted] *page 9*)."

> **IAB Note:** The Taser cycles for approximately 5 seconds.

Once Suspect Aguilar fell to the ground, he dropped the knife. One of the deputies kicked the knife away from Suspect Aguilar's hand. Deputy [redacted] said the Fire Department responded quickly, and he estimated their response time around one minute.

For Deputy [redacted] complete statements see his transcribed interviews that are included with this investigation.

> **IAB Note:** Homicide investigators summary of Deputy [redacted] interview is included in the Homicide Investigation Book, **Exhibit A, pages 39-40**.

WITNESS STATEMENTS

[redacted] **(Victim,** [redacted]) was interviewed on November 16, 2013, at approximately 0150 hours, by Homicide Detectives Richard

Tomlin and Luis Nunez at Temple Sheriff's Station. Sergeants David Wessol and Victor Allen, from Internal Affairs Bureau, were present during the interview. The interview was digitally recorded, and the following is a summary of her interview.

Witness [redacted] said she was inside her house when [redacted] told her Suspect Aguilar was fighting with [redacted] As she came outside, Witness [redacted] observed Suspect Aguilar pushing [redacted] Witness [redacted] said Suspect Aguilar was intoxicated. The [redacted] intervened, and Witness [redacted] was concerned for the [redacted] welfare. Witness [redacted] said she pushed Suspect Aguilar and said, "Dude, like just shut up ([redacted] *page 2*)."

Witness [redacted] walked across the street and [redacted] handed her a phone. She spoke to the 911 operator. During the time she was on the phone, Suspect Aguilar stood across the street and continued to argue with family members. The police arrived and they were able to calm down Suspect Aguilar. Her [redacted] said she did not want Suspect Aguilar to get into any trouble and she did not want him arrested. Witness [redacted] said, "I told the cops my, it's [redacted] call you know she doesn't want him to go so just, you now she's the head of the household ([redacted] *page 2*)."

Suspect Aguilar went inside the house. Witness [redacted] went inside the house to check on Suspect Aguilar, while the rest of the family stood outside. Witness [redacted] came back outside and told Witness [redacted], Suspect Aguilar was throwing things inside the garage. She stated Suspect Aguilar threw a television, so Witness [redacted] phoned the sheriff's station a second time.

When the police arrived, Witness [redacted] was standing in the street. Witness [redacted] said she was getting cold and she had a sweater hanging outside. She saw her dog, who just had puppies, and she wanted to check on the puppies. Witness [redacted] said Witness [redacted] told the police Suspect Aguilar was locked in his room. Witness [redacted] said she and Suspect Aguilar do not speak to each other. She told the officers she was going to check on her dogs. She said, "We didn't think that he would, that he was, you know. Lurking out ([redacted] *page 11*)."

As Witness [redacted] walked down the end of her driveway, and she was rounding the corner of the garage, Suspect Aguilar came out of a dark area and approached her. Suspect Aguilar asked her why she put her hands on him. Witness [redacted] responded because you were going to hit [redacted] Suspect Aguilar said watch. Witness [redacted] said she saw the blade of a knife and Suspect Aguilar slit her throat. Witness [redacted] immediately yelled for the deputies.

Suspect Aguilar continued to stab her in on her back. Witness [redacted] turned to run. She said, "Like I was a little out of sight. Like the cops right away they were there and like less than seconds ([redacted] *page 4*)." Witness [redacted] was one third of the way down the driveway, the police walked past her toward Suspect Aguilar. Witness [redacted] said, "I heard the cops tell him something. I'm not sure what they told him.

The next thing I knew he was being Tased ([redacted] *page 6*)." Witness [redacted] said she was approximately three feet away from Suspect Aguilar when the deputies Tased Suspect Aguilar ([redacted] *page 12*).

Witness [redacted] said, "They acted, they reacted immediately because they saw the knife his hand. Because when I looked back after they Tased him the knife was on the floor ([redacted] *page 6*)." Witness [redacted] said she looked back and saw Suspect Aguilar on the floor. After that, she walked out to the curb and sat down. Witness [redacted] said she told the officers and paramedics to leave her alone. She felt she acted this was because she may have been in shock.

Witness [redacted] was asked about the mental health of Suspect Aguilar. She said he had attempted suicide in the past, by cutting himself. The family did not want to take him in for treatment ([redacted] *page 11*). Witness [redacted] described Suspect Aguilar as a loner who did not have any friends. She said, "He never comes out of the house. Never, except to go buy beer ([redacted] *page 11*)."

For Witness [redacted] complete statements see his transcribed interviews that are included with this investigation.

> **IAB Note:** Homicide investigators summary of Witness [redacted] interview is included in the Homicide Investigation Book, **Exhibit A, pages 47-49**.

WITNESS STATEMENTS

[redacted] was interviewed on November 15, 2013, at approximately 2459 hours, by Homicide Detectives Ray Lugo and Joe Ramirez. The interview took place at Temple Sheriff's Station. Sergeants David Wessol and Victor Allen, from Internal Affairs Bureau, were present during the interview. The interview was digitally recorded, and the following is a summary of his interview.

In the early evening hours, Witness [redacted] said he called Temple Sheriff's Station operator, and advised them that [redacted] Suspect Aguilar, was "acting drunk and he's just getting a little crazy ([redacted] *page 1*)." Suspect Aguilar was banging on his door, and demanded five dollars. The officer responded and detained Suspect Aguilar in the back seat of a patrol vehicle. Suspect Aguilar had been drinking malt liquor, and he never threatened Witness [redacted]

Witness [redacted] said the officer spoke to him and told him they could not hold Suspect Aguilar. Witness [redacted] said, "I just told them, can you please just take him, for he could cool off, you know, to wear out the alcohol and they told me no ([redacted] *page 5*)." The officers released Suspect Aguilar and he went back inside the house. Witness [redacted] said he stood outside with several of his family members. He advised a friend that he was going to walk inside the house and check on Suspect Aguilar.

Witness [redacted] said he peeked inside the garage door and saw Suspect Aguilar throwing a television. Witness [redacted] walked back to where his family members were standing and advised them not to go in the house and he was going to call the police a second time. Witness [redacted] said when Suspect Aguilar gets violent, he is the only one that can calm him down.

Witness [redacted] said he called Temple Sheriff's Station and asked if they could send the officers back to his residence. He advised the dispatcher Suspect Aguilar was destroying items, including the television. Witness [redacted] said, "I don't want him to hurt anybody or touch anybody, lay a hand on anybody, cause after…for just…for him to go be in a cell, just calm down and relax ([redacted] *page 12*)." Witness [redacted] said the officers responded within ten to fifteen minutes.

Witness [redacted] and Witness [redacted] were standing outside when the officers arrived. Witness [redacted] said [redacted] was acting crazy again, throwing a television. The officer approached him and said, "Well, were gonna have to go in with force ([redacted] *page 14*)." A second officer told Witness [redacted] he could go inside and try to make Suspect Aguilar come out peacefully. Witness [redacted] said the plan was for him to call Suspect Aguilar outside. Witness [redacted] said Witness [redacted] went back inside the house because she was upset about her television being broken. Witness [redacted] heard Suspect Aguilar and Witness [redacted] yelling at each other. Witness [redacted] said he was standing two houses north of his residence, with the officers, when he first heard Suspect Aguilar and Witness [redacted] argue.

Witness [redacted] said, "Well as I was hearing [redacted] and [redacted] argue, I walk towards the driveway and that's when the officers all started pointing down the driveway with their, I don't know, guns or Taser drawn out ([redacted] *page 15*)." Witness [redacted] could not tell what was being said because he was concerned for [redacted] safety. Witness [redacted] said he heard Witness [redacted] asking for help.

Witness [redacted] said the officers approached Suspect Aguilar because he was stabbing Witness [redacted] Witness [redacted] never saw the knife in Suspect Aguilar's hand. Witness [redacted] said he saw Suspect Aguilar approximately four to five feet behind Witness [redacted] He said he did not want [redacted] to get shot, so he yelled out, "Just Tase him, just Tase him ([redacted] *page 15*)." Witness [redacted] was behind or in the middle of the officers when he heard the Taser activated.

Witness [redacted] heard the Taser being activated and then he heard one gun shot. He described the time frame between the Taser being activated and the sound of the gun shot. Witness [redacted] said, "You can't say when…both at the same time, but it did happened so quickly. It…you could say it was almost at the same time 'knock, knock' like that ([redacted] *page 20*)." Witness [redacted] said he never observed any deputies with their handguns drawn, he only observed the deputies who had Tasers. Witness [redacted] said he did not see [redacted] making any motions with his hands. Witness [redacted] demonstrated how Suspect Aguilar was standing to investigators. He said Suspect Aguilars hands were at his side, or down low by his side.

> **IAB Note:** Deputies Gutierrez, [redacted] Song and Esqueda, all observed Suspect Aguilar making a stabbing motion towards Witness [redacted] when Deputy Gutierrez fired his duty weapon and Deputy [redacted] activated the Taser at Suspect Aguilar.

Witness [redacted] said, "I understand what you guys have to do, but just Tase him for he could just fall on the ground and...and arrest him ([redacted] *page 20*)." Witness [redacted] said when the he heard the gunshot go off, he was able to see smoke from the gun. Witness [redacted] said from the time he first saw [redacted] and the gunshot went off was not more than three to five seconds.

Witness [redacted] stated Suspect Aguilar did not drink every day. He described Suspect Aguilar as a moody person. He said, '[redacted] actually had like a tense relationship with everybody. Even with me and [redacted] He was kind of moody ([redacted] *page 25*)." Witness [redacted] went on to say when family members speak behind Suspect Aguilar's back, it makes him tense up. "So, I guess when he drinks, it unleashes it ([redacted] *page 25*)."

For Witness [redacted] complete statements see his transcribed interviews that are included with this investigation.

> **IAB Note:** Homicide investigators summary of Witness [redacted] interview is included in the Homicide Investigation Book, **Exhibit A, pages 29-31**.

Sergeant Thomas Harris was interviewed on June 29, 2015, at 1024 hours by Sergeants Todd Knight and Patrick Mannion of Internal Affairs Bureau. The interview was conducted at Internal Affairs Bureau. Sergeant Harris did not have representation for this interview. The interview was digitally recorded and transcribed. The following is a summary of the incident from Sergeant Harris' Internal Affairs interview.

Sergeant Harris responded to [redacted] in the city of Rosemead, regarding a family disturbance call. Upon Sergeant Harris' arrival, he observed six to ten family members standing outside in front of the house, speaking with deputies. One of the family members, Suspect Paul Aguilar, was intoxicated. Deputies detained Suspect Aguilar, un-handcuffed, in the rear seat of a patrol car. Suspect Aguilar was angry and his level of intoxication did not rise to the level of an arrest. Sergeant Harris had spoken to several family member who stated Suspect Aguilar drinks all day, and eventually passes out while watching television. Deputy Gutierrez spoke to Suspect Aguilar and he agreed to go into his room and fall asleep. Suspect Aguilar was released to the family and Sergeant Harris and the deputies left.

Sergeant Harris drove a few blocks away from the location and began reading reports. Within fifteen to twenty minutes, a second call came out at [redacted] Sergeant Harris said he had deputies meet with him south of the location [redacted] Sergeant Harris felt since Suspect Aguilar was now throwing items, they were

going to have to arrest him. Sergeant Harris said he wanted to come up with a game plan and go into the call prepared. Deputy Louie did not respond to [redacted] where they were staged. That unit advised over the radio he was on [redacted] and family members were waiting outside. Deputy Louie advised over the radio to responding units, that most of the family members had left the location, in a minivan. Sergeant Harris stopped his briefing and had units respond to the residence to back up Deputy Louie.

At the residence two family member remained, Witness [redacted] and Witness [redacted] When they arrived at the location, the deputies and Sergeant Harris spoke to these two family members at the mouth of the driveway. Sergeant Harris said he did not hear any noises coming from the house where Suspect Aguilar was located. Sergeant Harris said while he listened to the two family members, he was trying to determine if Suspect Aguilar broke his own television or if he had committed crime. Sergeant Harris advised Witness [redacted] if the deputies have to arrest and wake up Suspect Aguilar, there would be high probability of using force on him.

While Sergeant Harris spoke with Witness [redacted] Witness [redacted] stated she was going to check on Suspect Aguilar. Sergeant Harris continued to speak with Witness [redacted] Within thirty seconds to one minute, Sergeant Harris heard Witness [redacted] say, "He slit my throat (*Harris, page 5*)." The deputies illuminated the area where Suspect Aguilar and Witness [redacted] where standing. He observed Witness [redacted] with a cut across her entire neck. Suspect Aguilar walked behind Witness [redacted] stabbing her on the shoulder. Witness [redacted] then began to say, "He's stabbing me (*Harris, page 5*)."

Sergeant Harris described the incident as a classic hostage situation. Suspect Aguilar was holding Witness [redacted] as a shield, while he continued to stab her. Suspect Aguilar was holding Witness [redacted] with his left hand and stabbing her with the knife in his right hand. Sergeant Harris said as Witness [redacted] broke free of the hold, it appeared as if Suspect Aguilar continued to follow her, attempting to stab her. Sergeant Harris said Suspect Aguilar sometimes missed Witness [redacted] with the knife. He said, "He was just still walking behind her, and a lot of times he was catching air. A couple times it looked like he was making impact (*Harris, page 5*)."

The deputies immediately responded down the driveway toward Suspect Aguilar and Witness [redacted]. Sergeant Harris said the deputies fanned out in the driveway, blocking his view. He heard the Taser going off to his left and then he heard one gunshot. He said Suspect Aguilar immediately dropped to the ground. Sergeant Harris said the suspect was not moving and it appeared to him Suspect Aguilar was deceased. He heard Deputy Esqueda announce over the radio, they had been involved in a shooting, and requesting paramedics. Sergeant Harris said he immediately spoke on the radio and requested an additional paramedic to respond so they could treat both injured parties.

Sergeant Harris said he immediately took Witness [redacted] out into the street away from Suspect Aguilar. He retrieved a clean towel from his Tahoe and advised Witness [redacted] to apply pressure to the cut on her throat. The Fire Department responded quickly. Sergeant Harris advised the Fire Department they had two separate situations, a shooting victim and a victim with stab wounds. The Fire Department personnel separated, and responded to both victims to provide medical attention. Sergeant Harris said the deputies handled the crime scene while he stayed with Witness [redacted]

Sergeant Harris was shown two photographs (**Exhibit C**) and asked to identify where he was during the time of the shooting. Sergeant Harris was standing at the mouth of the driveway when he first heard the victim yell for help. Sergeant Harris was behind several deputies, when Deputy Gutierrez fired his weapon. He did not see the shooting. He did not recall any communication amongst himself and the responding deputies. Sergeant Harris heard someone give commands to drop the knife, but he could not recall who that was. Sergeant Harris said this incident occurred so rapidly, he did not have time to give commands or direct force. Sergeant Harris estimated the time from when he first heard Witness [redacted] say her throat was cut, and Deputy Gutierrez fired his weapon at Suspect Aguilar, was no more than ten seconds.

For Sergeant Harris's complete statements see his transcribed interviews that are included with this investigation.

IAB Note: Homicide investigators summary of Sergeant Harris's interview is included in the Homicide Investigation Book, **Exhibit A, pages 36-39**.

Deputy Billy Khounthavong was interviewed on June 29, 2015, at 1110 hours by Sergeants Todd Knight and Patrick Mannion of Internal Affairs Bureau. The interview was conducted at Internal Affairs Bureau. Deputy Khounthavong was represented by Audra Call, Attorney from the Law Office of Green & Shinee. The interview was digitally recorded and transcribed. The following is a summary of the incident from Deputy Khounthavong's Internal Affairs interview.

Deputy Khounthavong responded to [redacted] in the city of Rosemead, regarding a family disturbance call. He was the second unit to arrive and he observed a group of people standing on the west sidewalk. Deputy Khounthavong recalled one of the females in the group identified Suspect Aguilar as the disturbing party. Deputy Khounthavong contacted Suspect Aguilar and detained him for the handling unit. Deputy Gutierrez arrived at the location and handled the call to conclusion. At the request of the family members that were present, Suspect Aguilar was released so he could go back inside his residence. He and the deputies left the location.

Approximately five to ten minutes later, Deputy Khounthavong received an updated call for service at the same location, which stated Suspect Aguilar was inside the residence throwing a television. He responded to a rally point one block away from the residence to formulate a plan. Deputy Khounthavong responded from South El Monte, which gave

him a delayed response. Once he arrived to the rally point, the units were leaving the location and responding to the call. Deputy Khounthavong said he assumed the Sergeant and responding deputies had already formulated a plan and talked everything over and he followed the units to the call.

Upon Deputy Khounthavong's arrival, he observed Deputy Gutierrez speaking with Witness [redacted] While Deputy Gutierrez and the Witness [redacted] were speaking, Deputy Khounthavong walked over to the assisting deputies to find out what they had discussed for a tactical plan. Within two minutes of speaking with the assisting deputies, Deputy Khounthavong observed Witness [redacted] run out of the house. He heard Witness [redacted] say her throat was slit and that she was being stabbed. He and the additional deputies ran as a group toward the suspect and victim.

Deputy Khounthavong observed Suspect Aguilar making a stabbing motion toward Witness [redacted]. He could not recall which hand Suspect Aguilar used to stab Witness [redacted] Deputy Khounthavong said while he was observing Suspect Aguilar making a downward stabbing motion, he heard the Taser activated and one gunshot fired. Suspect Aguilar then fell to the ground and deputies held him at gunpoint. Deputy Khounthavong said, "Once we deemed he was motionless or – and anyone – no one was behind him, we had – I think we had deputies holding him at gunpoint, so after we deemed everything was okay to move in, that's when I had other deputies just lower their weapons. So I went in and kicked the weapon away. The knife was about a foot away from his hand (*Khounthavong, page 9*)."

Deputy Khounthavong was shown two photographs (**Exhibit C**) and asked to identify where he was during the time of the shooting. Deputy Khounthavong was standing east of the driveway when he first heard the victim yell for help. Deputy Khounthavong was behind several deputies, when Deputy Gutierrez fired his weapon. He did not recall hearing any commands and there was not any communication amongst himself and the responding deputies. Deputy Khounthavong said this incident occurred so rapidly, he did not see either deputy fire the gun or the Taser. Deputy Khounthavong estimated the time from when he first heard Witness [redacted] say her throat was cut, and Deputy Gutierrez fired his weapon at Suspect Aguilar, was no more than one minute.

For Deputy Khounthavong's complete statements see his transcribed interviews that are included with this investigation.

> **IAB Note:** Homicide investigators summary of Deputy Khounthavong's interview is included in the Homicide Investigation Book, **Exhibit A, pages 35-36**.

Deputy Song was interviewed on June 29, 2015, at 1134 hours by Sergeants Todd Knight and Patrick Mannion of Internal Affairs Bureau. The interview was conducted at Internal Affairs Bureau. Deputy Song was represented by Audra Call, Attorney from the Law Office of Green & Shinee. The interview was digitally recorded and transcribed. The following is a summary of the incident from Deputy Song's Internal Affairs interview.

Deputy Song responded to [redacted], in the city of Rosemead, regarding a family disturbance call. When Deputy Song arrived at the residence, one of his assisting units advised him the call had been already handled. The deputy told him there was a male who was intoxicated at the location and the family members were going to have him sleep it off. He and the additional deputies then left the residence.

Deputy Song received a second call for service at [redacted] They met at a pre-planned staging area, south of the residence, to discuss a plan prior to responding. Deputy Song said Sergeant Harris gave him a Taser and designated him as one of the less lethal uses of force. While they designated personnel to perform specific tasks, one of the responding units advised over the radio they were at the residence. Deputy Song said this sped up their briefing and they got into their vehicles and responded to the call. Once they arrived on scene, Deputy Gutierrez contacted Witness [redacted] Deputy Song stood behind Deputy Gutierrez while he spoke to Witness [redacted] Deputy Song said he heard a female say her throat was slit and she was being stabbed.

Deputy Song said he and Deputy Gutierrez ran towards the source where he heard the female victim. He observed two figures in the dark. Deputy Song illuminated them with his Streamlight flashlight and observed Suspect Aguilar stabbing Witness [redacted] Witness [redacted] attempted to run or pull away from Suspect Aguilar while she was being attacked. Deputy Song said the only weapon he had in his hand was the Taser. As he was going to deploy the Taser at Suspect Aguilar, he heard another Taser being deployed. Deputy Song said within one second of the Taser deployment, he heard one gunshot being fired.

Deputy Song was shown two photographs (**Exhibit C**) and asked to identify where he was during the time of the shooting. Deputy Song was standing east of the driveway when he first heard the victim yell for help. Deputy Song was standing next to Deputy Gutierrez, when Deputy Gutierrez fired his weapon. Deputy Song recalled hearing someone giving commands to drop the knife, but could not recall who gave the commands. There was not any communication amongst himself and the responding deputies. Deputy Song observed Suspect Aguilar being shot by both the handgun and the Taser. He said these actions immediately stopped the attack on Witness [redacted] and Suspect Aguilar collapsed. They directed the Victim away from Suspect Aguilar. Deputy Song said they held their positions until the Fire Department arrived on scene. Deputy Song estimated the time from when he first heard Witness [redacted] say her throat was cut, and Deputy Gutierrez fired his weapon at Suspect Aguilar, was no more than fifteen seconds.

For Deputy Song's complete statements see his transcribed interviews that are included with this investigation.

IAB Note: Homicide investigators summary of Deputy Song's interview is included in the Homicide Investigation Book, **Exhibit A, pages 40-42**.

Deputy Michael Louie was interviewed on June 29, 2015, at 1435 hours by Sergeants Todd Knight and Patrick Mannion of Internal Affairs Bureau. The interview was conducted at Internal Affairs Bureau. Deputy Louie was represented by Audra Call, Attorney from the Law Office of Green & Shinee. The interview was digitally recorded and transcribed. The following is a summary of the incident from Deputy Louie's Internal Affairs interview.

Deputy Louie responded to [redacted] in the city of Rosemead, regarding a family disturbance call. Prior to responding to the call, Deputy Louie said he met up with the assisting deputies south of the residence, to put a plan together. They drove to the residence and contacted the family members. One of Deputy Louie's assisting deputies contacted and detained Suspect Aguilar in a patrol car.

Deputy Louie used the Mobile Digital Computer (MDC) and checked the criminal history of Suspect Aguilar. During this time, Suspect Aguilar told Deputy Louie about the family dispute he was having with [redacted] Deputy Louie smelled the odor of Alcohol emitting from Suspect Aguilar during their conversation. Deputy Louie confirmed Suspect Aguilar did not have any wants or warrants, and he was not on Parole or Probation. The handling deputy advised him there was not a crime and he released Suspect Aguilar. Suspect Aguilar walked away and Deputy Louie left the location.

A second call for service came out and Deputy Louie was given the assist. He stated the assisting deputies met at the same location, south of the residence, prior to responding to the call. Deputy Louie did not respond to the staging area, due to an extended estimated time of arrival. Deputy Louie advised the units he would roll into the location from the north end of the street. As he rolled into the residence, Deputy Louie observed Witness [redacted] sitting on the curb waiting for deputies. Witness [redacted] advised him about Suspect Aguilar's actions after they left the first time.

While Deputy Louie was speaking with Witness [redacted] he heard one of the deputies say they were putting a plan together regarding contacting Suspect Aguilar. While this discussion was taking place, Deputy Louie heard someone say "I'm being stabbed (*Louie, page 5*)." The deputies went down the driveway and Deputy Louie followed approximately five feet behind the group. Witness [redacted] additionally came down the driveway and inquired about what was happening. Deputy Louie said, "I turned around to try and prevent him from coming down the driveway. And at that time I…I was almost turning back around and I hear a pop from the Taser. Almost the same time I hear a gunshot (*Louie, page 5*)." Deputy Louie said he escorted Witness [redacted] back out of the crime scene and contained the location.

Deputy Louie was shown two photographs (**Exhibit C**) and asked to identify where he was during the time of the shooting. Deputy Louie was standing north of the driveway when he first heard the victim yell for help. Deputy Louie was speaking with Witness [redacted] when Deputy Gutierrez fired his weapon. Deputy Louie did not see the shooting or the Taser being activated, because he had his back turned to the deputies.

Deputy Louie said he stopped Witness [redacted] from coming down the driveway when the shooting occurred. Deputy Louie estimated the time from when he first heard Witness [redacted] say her throat was cut, and Deputy Gutierrez fired his weapon at Suspect Aguilar, was between sixty and ninety seconds.

For Deputy Louie's complete statements see his transcribed interviews that are included with this investigation.

> **IAB Note:** Homicide investigators summary of Deputy Louie's interview is included in the Homicide Investigation Book, **Exhibit A, pages 33-35**.

Deputy Esqueda was interviewed on July 9, 2015, at 0915 hours by Sergeants Todd Knight and Jeff Smith of Internal Affairs Bureau. The interview was conducted at Internal Affairs Bureau. Deputy Esqueda was represented by Audra Call, Attorney from the Law Office of Green & Shinee. The interview was digitally recorded and transcribed. The following is a summary of the incident from Deputy Esqueda's Internal Affairs interview.

Deputy Esqueda was working Unit 54, with Deputy [redacted] They responded to [redacted] in the city of Rosemead, regarding a family disturbance call. Deputy Esqueda said when they arrived at the residence, several people were out in the street. Deputy Gutierrez detained the primary disturbing party Suspect Aguilar. They spoke to several family members who said when Suspect Aguilar drinks alcohol, he gets into verbal altercations and physical altercations with different family members. Deputy Esqueda said some of the family members told him Suspect Aguilar would calm down eventually by going into his room and passing out.

Deputy Esqueda said while Suspect Aguilar spoke with Deputy Gutierrez, Suspect Aguilar calmed down and stated he was going to go into his room and go to sleep. The family disturbance call was only a verbal dispute between Suspect Aguilar and some of his family members. Deputy Esqueda said because there was no crime committed, they released Suspect Aguilar and drove away. Deputy Esqueda said as they drove away, a second call came out at the residence.

Deputy Esqueda drove to [redacted] where they staged. He met up with Sergeant Harris and at least two other units. Sergeant Harris was preparing his video camera. He advised the deputies that if there was a potential use of force, the incident was going to be videotaped. While the units were still in the staging process, an additional unit responded to the residence. Deputy Esqueda said they left the staging area and responded to the location. As they approached the residence, most of the previous family members that were at the first call had left. The only two family members who remained were Witness [redacted] and Witness [redacted]

Deputy Gutierrez spoke to the two remaining family members. He was told Suspect Aguilar was inside the house and he broke a television. Deputy Esqueda said they were in the process of determining what to do with Suspect Aguilar, when he heard

Witness [redacted] say she was going to talk with Suspect Aguilar. Deputy Esqueda said, "No, we'll go over there and we'll, we'll detain him, so as we are kind of getting our game plan together (*Esqueda, page 5*)." Deputy Esqueda said deputies were assigned specific assignments. Two deputies were assigned at the Taser. Deputy [redacted] was one of the assigned Taser deputies. Deputy Esqueda gave his Taser to Deputy [redacted] Deputy Gutierrez said his assignment was to mediate with Suspect Aguilar.

While they stood on the driveway formulating their plan, Deputy Esqueda heard a female yell. He and the deputies moved toward the driveway where they heard the female. Deputy Esqueda said, "So as we start moving towards the driveway, we see her coming out and she's, he's behind her, coming down in a stabbing motion and she's yelling, 'He's stabbing, he's stabbing me' (*Esqueda, page 5*)." Deputy Esqueda said Witness [redacted] was trying to get away from Suspect Aguilar. Deputy Esqueda raised his firearm toward Suspect Aguilar and was about to fire his weapon, when Deputy Gutierrez fired his gun and Deputy [redacted] fired his Taser. Deputy Gutierrez said, "At that point the guy released the female, he fell to the ground, and I put out emergency traffic (*Esqueda, page 5*)."

Deputy Esqueda was shown two photographs (**Exhibit C**) and asked to identify where he was during the time of the shooting. Deputy Esqueda was standing in the street East of the driveway when he first heard Witness [redacted] yell for help. Deputy Esqueda was standing next to Deputy [redacted], when Deputy Gutierrez fired his weapon. Deputy Esqueda recalled hearing someone giving commands to drop the knife, but could not recall who gave the commands. Deputy Esqueda illuminated Suspect Aguilar with the flashlight on his service weapon. Deputy Esqueda observed Suspect Aguilar being shot by both the handgun and the Taser. Deputy Esqueda described the actions of Suspect Aguilar after he was shot. He said Suspect Aguilar stopped stabbing Witness [redacted] and he fell to the ground. Deputy Esqueda said he requested the Fire Department, and they responded to the location within four to five minutes. Deputy Esqueda estimated the time from when he first heard Witness [redacted] say her throat was cut, and Deputy Gutierrez fired his weapon at Suspect Aguilar, was no more than ten seconds.

> **IAB Note:** The average time estimates when Witness [redacted] said her throat was cut and the time Deputy Gutierrez fired his duty weapon varied. The following are the time estimates from the involved personnel and witness. Deputy Gutierrez: 20-30 seconds, Deputy [redacted]: was not asked, Sergeant Harris: less than 10 seconds, Deputy Khounthavong: less than 60 seconds, Deputy Song: less than 15 seconds, Deputy Louie: 60-90 seconds, Deputy Esqueda less than 10 seconds, and Witness [redacted] said from when he first saw [redacted] and he time he was shot was within 3-5 seconds.

For Deputy Esqueda's complete statements see his transcribed interviews that are included with this investigation.

IAB Note: Homicide investigators summary of Deputy Esqueda's interview is included in the Homicide Investigation Book, **Exhibit A, pages 31-33**.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
SHARON J. MATSUMOTO • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

October 6, 2014

Captain Duane Harris
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J.S.I.D. File No. 13-0760
L.A.S.D File No. 013-11076-0533-013

Dear Captain Harris:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 15, 2013, fatal shooting of Paul Aguilar by Los Angeles County Sheriff's Department (LASD) Deputy Ricky Gutierrez. It is our conclusion that Deputy Gutierrez acted in lawful defense of another.

The District Attorney's Command Center was notified of the shooting on November 15, 2013, at approximately 7:20 p.m. The District Attorney Response Team (DART), comprised of Deputy District Attorney Oscar Plascencia and District Attorney Senior Investigator Michael Moursalian, responded and was given a briefing and a walk-through of the scene.

The following analysis is based on reports submitted to this office by LASD Homicide Detectives Raymond Lugo and Joseph Ramirez. Voluntary statements of the deputies involved were considered as part of this analysis.

FACTUAL ANALYSIS

On November 15, 2013, at approximately 6:10 p.m., LASD Sergeant Thomas Harris, along with several LASD deputies, including Gutierrez, responded to [redacted] in the City of Rosemead after receiving a call from [redacted] reporting that [redacted], Paul Aguilar, was drunk and "acting crazy."[1] The deputies approached several people standing outside the [redacted] Avenue location including [redacted] The group identified Paul Aguilar, who was standing close by, as the person causing a disturbance at the location.[2] Paul, who smelled like alcohol but was cooperative, was detained as

[1] [redacted] contacted the Sheriff's station on a business line versus calling 9-1-1.

[2] [redacted] Paul Aguilar is referred to herein as Paul in order to avoid any confusion. [redacted]

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
Fax: (213) 620-1208

the deputies spoke to [redacted] and his family members who informed them that Paul had been drinking and was argumentative. Prior to the arrival of the deputies, a scuffle had broken out between Paul and [redacted] when [redacted] intervened to separate the men, Paul attempted to strike her but missed. [redacted] then pushed Paul away while telling him to calm down.

After the deputies at the location conducted a brief investigation, Paul was not placed under arrest as most of his family members did not want to press charges and did not want him to be arrested.[3] The deputies confirmed that Paul was not on probation or parole and did not have any outstanding warrants and released him to the care of his family.

At approximately 6:30 p.m., LASD Sergeant Harris again responded to the [redacted] Avenue location with several other LASD deputies, including Gutierrez, after receiving another call from [redacted] indicating that Paul had thrown a T.V. and was again "acting crazy." When deputies arrived, they were met by [redacted] and [redacted], who informed them that Paul was inside the residence alone.

As the deputies spoke to [redacted], [redacted] walked away from the group towards the residence in order to get a sweater. As she walked up the driveway, Paul confronted her and said, "Hey! Why did you put hands on me?" When [redacted] explained that she had pushed him because he was going to hit [redacted] ([redacted]) during the earlier scuffle, Paul said "Watch!" and slashed [redacted] across the throat with a knife.

Harris, Gutierrez and other deputies at the location heard [redacted] scream for help and saw her stagger down the driveway towards them as Paul held her with his left arm and stabbed her in the back with a knife held in his right hand. Several of the deputies, including Gutierrez, saw that [redacted] throat had been slit. [redacted] yelled "He cut my throat! and "He's stabbing me!"

At least one deputy at the location ordered Paul to put down the knife as he continued to stab [redacted][4] He did not comply. Deputy [redacted] shot a Taser at Paul.[5] Almost simultaneously, as [redacted] moved away from Paul, Gutierrez, who believed that Paul was going to kill [redacted] fired his service weapon at Paul one time. After being shot, Paul collapsed. A medical response team was summoned to treat Paul but he died at the location from his injury.

On November 18, 2013, Los Angeles County Deputy Medical Examiner Martina Kennedy conducted an autopsy on Paul and found that he suffered a single gunshot wound to the chest that

---

[3] In contrast to his relatives, [redacted] wanted Paul arrested and taken to jail for the night so he could "cool off."

[4] At least two of the deputies interviewed in this investigation recalled hearing at least one of their colleagues tell Paul to drop the knife but could not identify specifically which deputy or deputies gave this command. In addition, [redacted] also recalled hearing "warnings" being shouted at Paul but could not remember exactly what the deputies said.

[5] An examination of Paul's clothes and body at the autopsy conducted on November 18, 2013, by Deputy Medical Examiner Martina Kennedy, revealed that the Taser darts fired at Paul did not appear to have pierced through the two t-shirts he was wearing.

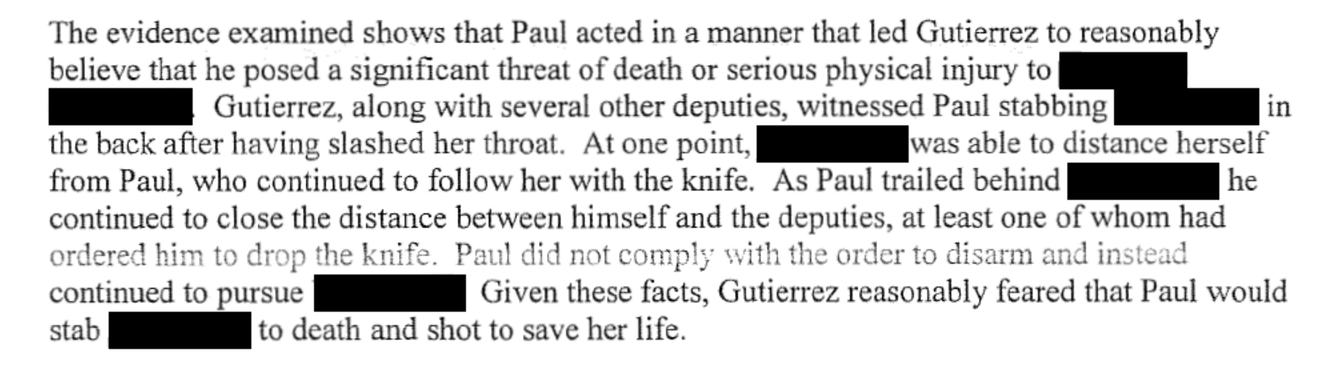
perforated different portions of his heart. Kennedy concluded that this wound was fatal. Blood samples taken from Paul tested positive for the presence of ethanol.

CONCLUSION

The use of deadly force in self-defense or in the defense of another is justifiable if the person claiming the right actually and reasonably believed the following: (1) that he or someone else was in imminent danger of being killed or suffering great bodily injury; (2) that the immediate use of force was necessary to defend against that danger; and (3) that he used no more force than was reasonably necessary to defend against that danger. See, *CALCRIM No. 505*.

The test for whether an officer's actions were objectively reasonable is "highly deferential to the police officer's need to protect himself and others." *Munoz v. City of Union City (2004)* 120 Cal.App.4th 1077, 1102.

Reasonableness of force used by an officer depends on the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight. *Graham v. Connor (1989)* 490 U.S. 386, 396. "The reasonableness of the particular force used must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight." *Id.* "The calculus of reasonableness must embody allowance for the fact that police are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." *Id.* at 396-97.



The evidence examined shows that Paul acted in a manner that led Gutierrez to reasonably believe that he posed a significant threat of death or serious physical injury to [redacted]. Gutierrez, along with several other deputies, witnessed Paul stabbing [redacted] in the back after having slashed her throat. At one point, [redacted] was able to distance herself from Paul, who continued to follow her with the knife. As Paul trailed behind [redacted] he continued to close the distance between himself and the deputies, at least one of whom had ordered him to drop the knife. Paul did not comply with the order to disarm and instead continued to pursue [redacted] Given these facts, Gutierrez reasonably feared that Paul would stab [redacted] to death and shot to save her life.

///

We find that Deputy Rickey Gutierrez acted in lawful defense of another. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

JACKIE LACEY
District Attorney

By

OSCAR PLASCENCIA
Deputy District Attorney
[redacted]

c: Deputy Ricky Gutierrez, [redacted]

761551N52A – SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: September 18, 2015

FROM: JOSEPH M. GOODEN, COMMANDER
CENTRAL PATROL DIVISION

TO: DONNIE MAULDIN, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

Case Number:	SH2345764 / FO2383503
Incident:	Hit Shooting & Force
Incident Date:	November 15, 2013
Unit:	Temple Station
Suspect:	Aguilar, Paul MH/10-05-92
Involved Employees:	Deputy Ricky Gutierrez #[redacted] Deputy [redacted]
EFRC Date:	September 17, 2015

The Executive Force Review Committee (EFRC) consisting of Commanders Joseph M. Gooden, Reginald D. Gautt and Eddie Rivero met and reviewed the above case.

FINDINGS:

The EFRC determined the use of deadly force was within policy. However the EFRC determined the tactics used by Sergeant Thomas Harris were in violation of the Department's policy as it relates to Performance to Standards.

RECOMMENDATIONS:

The EFRC recommended Sergeant Harris receive a written reprimand.

JMG:JRB:jrb

761551N25A - SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service Since 1850

DATE: September 29, 2015

OFFICE CORRESPONDENCE FILE NO. IAB # IV2386557

FROM: CORONNE L. JACOB, CAPTAIN
TEMPLE STATION

TO: THOMAS D. HARRIS, SERGEANT
TEMPLE STATION

SUBJECT: WRITTEN REPRIMAND

On or about November 15, 2013, while on duty and assigned to Temple Station, you failed to conform to the standards established for your position as a patrol sergeant when you neglected to exercise control during a tactical incident and/or employ sound tactical principles to protect the safety of family members at a disturbance call where the suspect was known to be drunk. As a result, you allowed the cousin of the suspect to return to the residence, where she was ambushed and stabbed by the suspect.

Your actions violated the following sections of the Manual of Policy and Procedures:

3-01/050.10 – Performance to Standards

3-01/030.10 – Obedience to Laws, Regulations and Orders (specifically pertaining to 3-10/150.00, Tactical Incidents; and/or 2-02/080.00 Sergeants.)

You are hereby reprimanded for your conduct in this incident and advised future violations of a similar nature may result in more severe discipline.

Thomas D. Harris, Sergeant — Date: 9-29-15

Coronne L. Jacob, Captain
Temple Station — Date: 9/29/15